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8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 10-13131

11 Mary S Mares Chapter 13
Debtor(s)

12 _____ /

13 REQUEST FOR ENTRY OF DEFAULT ORDER GRANTING MOTION

14 TO VALUE LIEN AT \$0 AND AVOID LIEN UPON DISCHARGE

15 On 11/09/2009 Debtor filed a motion to value the lien of BAC Home Loan Servicing
16 (hereinafter Lienholder) against the property commonly known as 5585 Fulton Rd, Santa Rosa,
17 CA 95403, Sonoma County AP #259-230-055-000, which lien was recorded in the Sonoma
18 County Recorder's Office on or about 3/7/2007 as document 2007026061 (hereinafter the Lien).
19 Lienholder having failed to file timely opposition to Debtor's motion, Debtor requests that the
20 court grant the attached proposed order by default.

21

22 Date: December 17, 2010

/s/Dan Beck _____
Dan Beck
Attorney for Debtor

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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 10-13131

11 Mary S Mares Chapter 13
Debtor(s)

12 _____ /
13 PROPOSED ORDER GRANTING MOTION TO VALUE LIEN

14 AS \$0 AND AVOID LIEN UPON DISCHARGE OF DEBTOR

15 On 11/09/2009 Debtor filed a motion to value the lien of BAC Home Loan Servicing
16 (hereinafter Lienholder) against the property commonly known as 5585 Fulton Rd, Santa Rosa,
17 CA 95403, Sonoma County AP #259-230-055-000, which lien was recorded in the Sonoma
18 County Recorder's Office on or about 3/7/2007 as document 2007026061 (hereinafter the Lien).

19 The court finds that notice of the motion upon Lienholder was proper. Lienholder having
20 failed to file timely opposition to Debtor's motion, the court hereby orders as follows.

21 (1) For purposes of Debtor's chapter 13 plan only, the Lien is valued at zero, does not
22 have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322
23 (b)(2) and 1327.

24 (2) This order shall become part of Debtor's confirmed chapter 13 plan.

(3) Upon entry of a discharge in Debtor's chapter 13 case, the Lien shall be voided for all purposes, and upon application by Debtor, the court will enter an appropriate form of judgment voiding the Lien, and Junior Lienholder shall re-convey the Junior Lien's Deed of Trust to debtors.

(4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter before Debtor obtains a discharge, this order shall cease to be effective and the Lien shall be retained to the extent recognized by applicable non-bankruptcy law, and upon application by the lienholder, the court will enter an appropriate form of order restoring the Lien.

(5) Except as provided by separate, subsequent order of this court, the Lien may not be enforced so long as this order remains in effect.

END OF ORDER

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8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 10-13131
11 Mary S Mares Chapter 13
Debtor(s) _____ /

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13 CERTIFICATE OF SERVICE

14 I hereby certify that on December 17, 2010, a copy of above as well as a copy of
15 REQUEST FOR ENTRY OF DEFAULT ORDER GRANTING MOTION TO VALUE LIEN
16 AT \$0 AND AVOID LIEN UPON DISCHARGE Debtor(s) PROPOSED ORDER ON MOTION
17 TO VALUE LIEN OF SECURED CREDITOR AS \$0 AND AVOID LIEN, was served, to the
18 United States Trustee, the Chapter 13 Trustee, electronically, and to the creditor listed below by
19 first class mail.

20 Brian Moynihan
CEO and President
21 BAC Home Loans Servicing, LP
Mail Stop: CA6-919-01-23
22 400 National Way
Simi Valley, CA 93065

23 Date: December 17, 2010

/s/Evan Livingstone _____
Evan Livingstone